finds this very bad; but it is nevertheless as well as the United States was willing to do by China in bipartite negotiations in the treaty of October 20, 1920.

The Washington Conference fails to give any indication of the popular interest and expectations that the American initiative in calling the gathering inspired. A true history of it could not relegate to a few footnotes the statistics of the letters from American citizens on a few items of its agenda. Nor does the book adequately inform the reader how the conference advanced the subjects it dealt with. After all, that is more important than what it left undone or untouched, because the place of the conference in history will be defined by the steps it took rather than by those it did not take.

This failure to compare with the past, for which is substituted an insistent comparison with the ideal, leaves the reader without proper standards of appraisal of the conference. Coupled with an over-emphasis on the multifarious menace of Japan, this omission gives the impression that the book is an argument much more than an unbiased account of what was beyond question a notable event.

DENYS P. MYERS.

FUNDAMENTALS OF PROCEDURE IN ACTIONS AT LAW. By Austin Wakeman Scott. New York: Baker, Voorhis & Co. 1922. pp. xvii, 172.

A comprehensive and critical study of those essential principles which serve as the groundwork of the system of procedure employed in actions at law has been a great *desideratum* in America for a hundred years. In no field of the law has there been more variety of legislation than in procedure, and in none has the effort to improve produced such disappointing results. Undoubtedly this is due to the lack of any clear analysis of the principles which lie at the foundation of remedial law. The reformers of procedure have been opportunists, striking here and there at obvious abuses, but they have never been able to see the subject as a whole and have therefore failed to find a sound philosophical basis for the development of an adequate system. Nowhere has it been more difficult to distinguish between fundamental principles and incidental rules.

The title of Professor Scott's book raises the hope that at last a scholarly, analytical study of this elusive, complex and immensely important field has made its belated appearance. But the title is misleading, and the reader finds that he has before him a collection of essays in the general subject of procedure rather than a systematic and comprehensive examination of underlying principles.

The five essays, each of which makes up a chapter of the book, are all interesting but are substantially unrelated and are quite different in their character and purpose. The first two and the fourth are close studies of very narrow subjects; the third and fifth are elementary sketches of very broad subjects. The first group seems designed for lawyers, the second for students. Professor Scott has, however, rendered all the chapters conveniently accessible to students by annotating them fully with references to his Cases on Civil Procedure, thus making the book available as collateral reading for classes using his case-book.

Chapter I is a vigorous brief on the absurdity of treating trespass to real property as a local action. Chapter II is a study of jurisdiction over non-residents doing business within a State, — a very important practical problem in the United States. Chapter IV is an investigation of the extent to which excessive and inadequate verdicts can be cured without new trials. In each of them the problem involved is clearly stated, the authorities are carefully assembled, and the status of the law is well presented.

Of the other group of essays, Chapter III is a cursory review of the various features of a jury trial, with particular reference to those which have been held essential or non-essential to the constitutional right of trial by jury. Chapter V is a similarly brief resumé, covering the general rules which operate to enable parties to avoid serious loss from badly drawn pleadings.

The author has made a special effort to collect and present American cases, bearing upon the subjects treated, in which objections to proceedings were taken on constitutional grounds. The curious and far-fetched character of many of these constitutional objections impresses one very strongly with the good sense in Justice John H. Clarke's recent criticism of American lawyers, in which he said: "Unless he sits on the Bench of the Supreme Court and hears, day after day, the astonishing discussions and distinctions there presented, no man can fully realize the extent to which ingenuity and refinement of constitutional discussion are rapidly converting the members of our profession in this country into a group of casuists rivaling the Middle Age schoolmen in subtlety of distinction and futility of argument." (Am. Bar Ass'n Jour., May, 1922, p. 263)

EDSON R. SUNDERLAND